

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NUMBER: 18-CR-124-WB

v. :

YOLONDA DENISE THOMPSON, :
a/k/a “Qhama AI” :

**UNITED STATES’ MEMORANDUM
ON PRETRIAL DETENTION OR RELEASE**

The United States of America by and through its attorneys, Richard E. Zuckerman, Principal Deputy Assistant Attorney General, Kathryn Sparks and Jeffrey Bender, Trial Attorneys, United States Department of Justice - Tax Division, hereby submits this Memorandum on Pretrial Detention or Release. The Defendant, YOLONDA DENISE THOMPSON (“THOMPSON”), may pose a serious risk of flight; however, there are conditions of release or a combination of conditions that will reasonably assure her appearance as required.

APPLICABLE LEGAL STANDARD

The Bail Reform Act, 18 U.S.C. § 3141 et seq., sets forth the procedures for a district court to determine whether a defendant should be released or detained pending trial, sentence, or appeal. Although there is a general presumption in favor of pretrial release, the “hallmark” of the Bail Reform Act is that an arrestee may be released on bail “only under conditions which will ‘reasonably assure both the appearance of the person as required and the safety of any other person and the community.’” See United States v. Himler, 797 F.2d 156, 158 (3d Cir. 1986) (quoting 18 U.S.C. § 3142(b), (c)). If a judicial officer finds, pursuant to a pretrial detention hearing, that “no condition or combination of conditions” will ensure both the defendant’s appearance and the public’s safety, then the officer “shall” order detention pending trial. See 18 U.S.C. § 3142(e)(1).

BACKGROUND

THOMPSON has been charged in an indictment filed in the Eastern District of Pennsylvania alleging one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371, and eight counts of aiding and assisting in the preparation of false tax returns, in violation of 26 U.S.C. § 7206(2). See Docket Entry 1. The indictment alleges that THOMPSON engaged in a years-long scheme to defraud the IRS by aiding in the preparation and submission of fraudulent documents claiming millions of dollars in tax refunds. The documents included not only income tax returns, but also false third-party documentation that purported to corroborate or substantiate fraudulent refund claims made on the defendants' and others' income tax returns.

On July 30, 2018, THOMPSON had her initial appearance in the Eastern District of Pennsylvania. At that time the United States requested a pretrial detention hearing on the basis that THOMPSON posed a serious flight risk due to the facts and circumstances surrounding her arrest in this case,¹ as well as the nature and circumstances of the offenses charged.² The United States also noted that pretrial services had been unable to determine a current address for THOMPSON, nor could they confirm the existence or cooperation of any potential third-party custodians who could help ensure THOMPSON's compliance with court orders. The Court granted a continuance to allow the defendant further opportunity to provide the Court with more information relevant to its determination.

At this time, Pretrial Services has been able to gather more information. It is the government's understanding that THOMPSON's mother is now available as a third-party custodian and that she has signed a viable release plan. The government also understands that THOMPSON is eligible for GPS location monitoring. These conditions, along with the Court's standard conditions of home detention and pretrial release, should reasonably assure THOMPSON's appearance at future proceedings.

¹ The U.S. Marshalls were unable to locate THOMPSON for several months, eventually locating her at an extended stay hotel. At the time of arrest, THOMPSON provided no details of residence, employment, contact information, or personal contacts.

² The intended loss as charged in the indictment ranges into the hundreds of millions of dollars.

CONCLUSION

The United States withdraws its recommendation for pretrial detention, so long as defendant THOMPSON is released to her mother's custody and is ordered to comply with the standard conditions of home detention, as well as the Court's other standard conditions of pretrial release. These conditions will reasonably assure THOMPSON's appearance at future proceedings.

Dated: August 1, 2018

Respectfully submitted,

Richard E. Zuckerman,
Principal Deputy Assistant Attorney General

By: /s/ Kathryn D. Sparks
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CERTIFICATE OF SERVICE

I certify that on August 1, 2018, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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